

IN THE UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON

Eve Productions, LLC)	Case No.: 2:21-cv-251-MJP
)	
Plaintiff,)	ORDER GRANTING PLAINTIFF'S <i>EX</i>
vs.)	<i>PARTE</i> MOTION FOR EARLY
)	DISCOVERY PRIOR TO RULE 26(f)
Doe aka fbkf@sroff.com,)	CONFERENCE
)	
Defendant.)	
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THIS MATTER came before the Court upon Plaintiff's Motion for Early Discovery Prior to a Rule 26(f) Conference (the "Motion"), and the Court being duly advised of the same and the Court file herein does hereby FIND AND ORDER THAT:

1. Plaintiff has established that "good cause" exists for it to serve third party subpoenas on the Internet Service Providers ("ISPs) Performive, LLC, Tier.Net Technologies, LLC, Charter Communications, LLC and Comcast Cable Communications, LLC and data service providers M247 Ltd., Host1plus (d/b/a Digital Energy Technologies, Ltd.), Digital Ocean, Inc., Datacamp Limited, and Total Server Solutions, LLC. *See Patrick Collins, Inc. v. Does 1-1219*, 2010 WL 5422569 at *2 (N.D. Cal. Dec. 28, 2010).

2. Plaintiff may serve the owner of the domain sroff.com with a Rule 45 subpoena commanding him to provide Plaintiff with all identification information in his possession concerning the subscriber of the email address fbkf@sroff.com;

3. Plaintiff may serve the ISPs and data service providers assigned the IP addresses shown in Exhibit “1” to the Complaint with a Rule 45 subpoena commanding them to provide Plaintiff with the true name, physical address, and email address of the subscriber to whom they assigned the respective IP address(es);

4. Plaintiff may serve the ISPs Comcast, Charter, and Digital Ocean with a Rule 45 subpoena commanding them to provide Plaintiff with the true name, physical address, and email address of the subscriber to whom they assigned IP addresses 71.193.144.236 on 1/5/2021-2/1/2021, 68.186.24.19 on 9/22/2020, and 167.99.109.10 on 2/1/2021;

5. Plaintiff may also serve a Rule 45 subpoena in the same manner as above on any service provider that is identified in response to a subpoena as a provider of Internet services to the Defendant;

6. Plaintiff shall attach to any such subpoena a copy of this Order;

7. If the ISP qualifies as a “cable operator,” as defined by 47 U.S.C. § 522(5), which states:

the term “cable operator” means any person or group of persons

(A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or

(B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

it shall comply with 47 U.S.C. § 551(c)(2)(B), which states:

A cable operator may disclose such [personal identifying] information if the disclosure is . . . made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed.

by sending a copy of this Order to the Defendant; and

8. Plaintiff may only use the information disclosed in response to a Rule 45 subpoena for the purpose of protecting and enforcing Plaintiff's rights as set forth in its Complaint.

DATED this 4th day of March, 2021.



Marsha J. Pechman
United States District Judge

Presented by:

/s/ Joshua Lee

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